

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHRISTINE CHANG, *et al.*,

No. C-07-4005 EMC

Plaintiffs,

v.

**ORDER DENYING PLAINTIFFS'
MOTION TO RECONSIDER**

ROCKRIDGE MANOR CONDOMINIUM, *et al.*,

(Docket No. 123)

Defendants.

Plaintiffs have filed a document titled "Appeal of Court Order Granting Defendant[] Rockridge Manor Condominium's Motion to Dismiss . . . and Granting Defendant[] Rockridge Manor Condominium's Motion for Summary Judgment." The Court construed this as a notice of appeal to the Ninth Circuit but subsequently Plaintiffs clarified that they were asking this Court to reconsider its order. Having reviewed the parties' briefs and accompanying submissions, the Court hereby **DENIES** Plaintiffs' motion to reconsider.

Motions to reconsider are governed by Civil Local Rule 7-9. Plaintiffs have failed to meet the standard laid out in Rule 7-9(b), and for that reason alone the motion to reconsider is denied. Even if the Court were to consider the merits of the motion, the motion would still be denied. As the Court stated in its order granting summary judgment to the Homeowners Association, there is no genuine dispute of material fact that the release and covenant not to sue that Plaintiffs signed with the Homeowners Association in February 2005 bars all claims now asserted against the Homeowners Association. Also, as the Court stated in its order granting the Homeowners Association's motion to dismiss, the claim for conspiracy to defraud is fantastic, speculative, and

1 implausible. Nothing that Plaintiffs have submitted in their motion to reconsider (*e.g.*, the
2 allegations that the Rockridge individual defendants “corrupted” Plaintiffs’ attorney, Mr. Allen, and
3 manipulated the two state lawsuits through September 2005) alters these conclusions.

4 The Court therefore denies Plaintiffs’ motion to reconsider, and the hearing on the motion to
5 reconsider set for April 23, 2008 is hereby **VACATED**. The Clerk of the Court shall inform the
6 Ninth Circuit that Plaintiffs’ notice of appeal was erroneously filed. There is **no** appeal pending on
7 any of the Court’s orders, at least not as of the date below.

8 This order disposes of Docket No. 123.

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10 IT IS SO ORDERED.

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12 Dated: March 11, 2008

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16 EDWARD M. CHEN
17 United States Magistrate Judge
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Plaintiffs,

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CERTIFICATE OF SERVICE

ROCKRIDGE MANOR CONDOMINIUM, *et al.*,

Defendants.

I, the undersigned, hereby certify that I am an employee in the U.S. District Court, Northern District of California. On the below date, I served a true and correct copy of the attached, by placing said copy/copies in a postage-paid envelope addressed to the person(s) listed below, by depositing said envelope in the U.S. Mail; or by placing said copy/copies into an inter-office delivery receptacle located in the Office of the Clerk.

Christine Chang
341 Tideway Drive #214
Alameda, CA 94501

*ALL OTHER COUNSEL SERVED VIA
ELECTRONIC FILING*

Dated: March 11, 2008

RICHARD W. WIEKING, CLERK

By: /s/
Betty Fong
Deputy Clerk